

PROBATE CALENDAR NOTES

June 12, 2020

8:30 a.m., Department 40

Placer County Superior Court

All current local court COVID-19 information is at <http://www.placer.courts.ca.gov/general-covid-19.shtml>. In particular, please note:

Local Rule 10.28, "Remote Appearances—COVID-19 State of Emergency Temporary Rule," enacted April 6, 2020, requires remote telephone appearances for most court hearings. See Local Rule 10.28 for more details.

Local Rule 10.27, "eDelivery," requires electronic filing of documents by attorneys and represented parties.

These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **June 12, 2020, 8:30 a.m., in Department 40**, Commissioner Michael A. Jacques, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.


1. S-CV-0037377 Salas, Dylan - In Re the Petition of

Second trust account (Devon Salas)

Second trust account is recommended for approval as prayed.

Second trust account (Dante Salas)

Second trust account is recommended for approval as prayed.

 As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

2. S-PR-0006862 Marple, Patricia Darlene - In Re the Estate of

Petition for final distribution is recommended for approval as prayed.

3. S-PR-0006886 Susan Iris Muzette 1999 Liv Trust; In re the

4th trust account is recommended for approval as prayed.

4. S-PR-0009270 Schiedel, John-In Re the Estate of

Amended petition for final distribution is recommended for approval as prayed.

5. S-PR-0009374 Sagaria, Scott Joseph - Estate of

Appearance is required for continued hearing on petition for instructions.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

6. S-PR-0009459 Wise, Brenda Kay - In Re Estate of

Appearance is required for hearing.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

7. S-PR-0009529 Pantoja Fam Liv Trust; In re the

Appearance is required for hearing on motion for leave to amend petition.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

8. S-PR-0009569 Jones, Brenda L. - In Re the Estate of

Clarification is needed: previous personal representative Gary Jones (or his estate) appears entitled to a portion of the ordinary personal representative fees. No notice to Jones or his estate and no waive of fees by Jones or his estate were filed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's

office for information.

9. S-PR-0009740 Schlegel, Brandon Michael - In Re the Estate of

Missing verification to petition for final distribution, Prob.C. § 1021.

Missing attorney signature on petition for final distribution, C.C.P. § 128.7.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

10. S-PR-0009742 Fishman, Leonard M - In Re the Estate of

Petition for final distribution is recommended for approval as prayed.

11. S-PR-0009754 Chien, Betty Hsueh Ching - In Re the Estate of

Clarification is needed: estate appears to hold no cash. Clarification is needed as to how attorney fees are to be paid. The court will not ordinarily award fees against a non-cash estate without such information.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

12. S-PR-0009956 Marie Smith Rev Trust; In re the

Petition to remove successor trustee and for other relief

Appearance is required for continued hearing on petition to remove successor trustee and for other relief.

Amended 1st trustee account

Appearance is required for continued hearing on 1st trustee account.

Missing notice of hearing and service of notice of hearing.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

13. S-PR-0009975 Crowther, Donald; In re the estate of

Real property succession petition is recommended for approval as prayed.

14. S-PR-0009991 William O & Patricia A White Fam Trust; In re the

Missing sufficient notice of hearing: use of mandatory form DE-115 is required; and notice filed January 31 omits information required by Prob.C. § 851(c)(1) with respect to personal property identified in the petition.

It is recommended the petition be denied with respect to the personal property. The petition offers no evidence of inter vivos trust funding (or attempted inter vivos funding) of the personal property.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

15. S-PR-0010068 UA Tambellini Fam Trust; In re the

As previously posted, the petition for construction of trust and relief from prior trustee's breach of fiduciary duty appears to be moot in light of the ex parte order filed May 6, 2020, determining the personal property funds are trust property. It is recommended this matter be dropped from calendar.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

16. S-PR-0010075 Janie Mae Porter Liv Trust; In re the

Objector has invoked Prob.C. § 854. It appears this action is abated. It is recommended the court set a status hearing concerning the status of the related civil case in approximately 9 months, unless an earlier or later status hearing date is requested.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

17. S-PR-0010106 Baddley, Craig Degray ; In re the Estate of

Real property succession

Clarification is needed: caption refers to personal property also subject to this petition. No such property is identified in the petition.

Missing required allegations at ¶ 9a(3)-(4) (RDP).

Missing verification by guardian of the estate for each minor beneficiary. Verification by each successor-petitioner is required, Prob.C. §§ 13151-13152. Sole verification is by petitioner Karen Baddley, who is not guardian of the estate for either

minor. Refer Prob.C. § 13051(a).

Guardian ad litem petition

It is recommended the guardian ad litem application be denied as unnecessary. A guardian ad litem is not a guardian of the estate, CUTMA custodian, or other fiduciary who can receive or hold property for minor; as such, any GAL has no standing to petition for relief under Prob.C. § 13150 et seq. Refer § 13051(a).

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

18. S-PR-0010110 Hilty, Edna J. ; In re the Estate of

Petition to administer estate is recommended for approval as prayed.

19. S-PR-0010115 Minor Rev trust - In re the

Ex parte application for temporary orders

Appearance is required for hearing on ex parte application for temporary orders.

Petition to remove trustee, for damages for elder abuse, and other relief

Missing 30 days' personal service of notice of hearing with copy of the petition to Billie Minor, Prob.C. § 851(a)(2). The court cannot further evaluate notice because neither the 2016 restatement nor the 2011 trust was provided with the petition.

It is recommended the court consider an order to show cause re change of venue to Sacramento County.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

20. S-PR-0010119 2004 Regan Fam Rev Trust; In re the

Appearance is required for continued hearing on petition to remove trustee and for other relief.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

21. S-PR-0010128 Herrington, Deborah Elizabeth ; In re the Estate of

Petition to administer estate is recommended for approval as prayed.

22. S-PR-0010140 Ogden, Douglas Frank - In re the Estate of

Missing sufficient bond waiver by Gwen Clark. Use of mandatory form DE-111(A-3e) is required.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

23. S-PR-0010145 Mulanix Fam Rev Liv Trust ; In re the

Appearance is required for hearing on trust account and petition for instructions. Missing 30 days' service of notice of hearing to Crystal Christmas and David Mullanix. Notice to counsel alone is insufficient, Prob.C. § 1214 & C.R.C. 7.51.

Missing pages 1-13 of trust account. Attachment 1 includes only pages 14-33 of the trust account.

Clarification is needed: account is 17 months out of date without explanation.

It is recommended the court deny the request to approve trustee fees. The trustee fee hourly rate substantially exceeds a reasonable rate for a nonprofessional trustee. Trustee billings appear to show only averaged or summarized itemization of services.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

24. S-PR-0010147 Wenge, Fredrik Osvald ; In re the Estate of

Missing notice of hearing. Missing service of notice of hearing to all personal representatives named in the will. Missing proof of publication of notice of hearing.

Missing proof of will. Copy of lost will lodged by petitioner is not witnessed and would not be self-proving if witnessed (witnesses statement includes no declaration or affidavit). Identity and proof of subscribing witness(es) is needed.

Missing required allegations at ¶ 5a(3)-(4) (RDP) and (7)-(8) (issue of predeceased child(ren)).

Clarification is needed: ¶ 2b(3) prays for letters of administration, not letters of administration with will annexed. Missing ¶ 3f. Proposed will names 3 executors but ¶ 3g(1)(b) alleges that no executor is named in the will. Missing ¶ 3g(d)(1).

Missing required bond request / allegations at ¶ 2d.

Clarification is needed: ¶ 3h alleges petitioner is a resident of California but a nonresident of the United States.

Clarification is needed: IAEA powers are not requested (¶ 2c); however, caption indicates that IAEA powers are requested.

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